

Hon. Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRASER CONSTRUCTION COMPANY,
INC., individually and on behalf of all
others similarly situated,

Plaintiff,

v.

CEDAR SHAKE & SHINGLE BUREAU, a
Washington nonprofit corporation;
WALDUN FOREST PRODUCTS, LTD, a
British Columbia corporation; ANBROOK
INDUSTRIES LTD, a British Columbia
corporation; and G&R CEDAR LTD., a
British Columbia corporation.,

Defendants.

No. 2:19-cv-00451-MJP

ORDER GRANTING RESELLER
INDIRECT PURCHASER
PLAINTIFFS' AMENDED MOTION
FOR APPOINTMENT OF INTERIM
CO-LEAD CLASS COUNSEL AND
LIAISON COUNSEL

Having considered Reseller Indirect Purchaser Plaintiffs' motion for appointment of Interim Co-Lead Counsel and Liaison Counsel and the accompanying papers, the Court hereby ORDERS pursuant to Federal Rule of Civil Procedure 23(g)(3) that Burns Charest LLP and Stoll Stoll Berne Lokting & Shlachter P.C. shall serve as Interim Co-Lead Counsel for the proposed Reseller Indirect Purchaser Plaintiff classes.

Interim Co-Lead Counsel for the proposed Reseller Indirect Purchaser Plaintiff classes shall be solely responsible for coordinating and organizing the litigation on behalf

ORDER GRANTING RESELLER INDIRECT
PURCHASER PLAINTIFFS' AMENDED MOTION FOR
APPOINTMENT OF LEAD AND LIAISON COUNSEL
(Cause No. 2:19-cv-00451-MJP) – Page 1

LAW OFFICES OF
McNAUL EBEL NAWROT & HELGREN PLLC
600 University Street, Suite 2700
Seattle, Washington 98101-3143
(206) 467-1816

1 of the proposed Reseller Indirect Purchaser Plaintiff classes in the conduct of this
2 litigation and, in particular, shall have the following responsibilities:

- 3 a) To brief and argue motions and file responsive or opposing briefs to
4 motions initiated by other parties;
- 5 b) To initiate and conduct discovery proceedings;
- 6 c) To act as spokespersons at pretrial conferences;
- 7 d) To negotiate with defense counsel with respect to settlement and other
8 matters;
- 9 e) To call meetings of plaintiffs' counsel when appropriate;
- 10 f) To make all work assignments to plaintiffs' counsel to facilitate the orderly
11 and efficient prosecution of this litigation and to avoid duplicative or
12 unproductive effort;
- 13 g) To conduct trial and post-trial proceedings;
- 14 h) To consult with and employ experts;
- 15 i) To allocate any Court-awarded fees and reimbursement of disbursements
16 among plaintiffs' counsel after settlement or judgment;
- 17 j) To perform such other duties and undertake such other responsibilities as
18 they deem necessary or desirable; and
- 19 k) To coordinate and communicate with defense counsel with respect to
20 matters addressed in this paragraph.

21 The Court further ORDERS that McNaul Ebel Nawrot & Helgren PLLC shall
22 serve as Liaison Counsel for the Reseller Indirect Purchaser Plaintiff classes. Liaison
23 Counsel for these proposed classes shall be responsible for performing, on behalf of all
24 Reseller Indirect Purchaser Plaintiff class counsel, administrative matters such as
25 communications with clerical staff of the Court and with other counsel (including
26 receiving and distributing notices, orders, motions, and briefs on behalf of the group to the

1 extent such documents are not served via the Court's electronic case filing program),
2 serving as a document repository for document productions as needed, advising parties of
3 developments in the case, and otherwise assisting in the coordination of activities and
4 positions in the litigation.

5 No motion, request for discovery, or other pre-trial proceedings shall be initiated
6 or filed by any Reseller Indirect Purchaser Plaintiff in this and any subsequently
7 consolidated or coordinated case except through Interim Co-Lead Counsel for the
8 proposed Reseller Indirect Purchaser Plaintiff classes.

9 All Reseller Indirect Purchaser Plaintiff counsel in this and any subsequently
10 consolidated or coordinated cases shall keep contemporaneous time records. In such
11 manner as Interim Co-Lead Counsel for the proposed Class shall require, all Reseller
12 plaintiffs' counsel shall periodically submit summaries or other records of time and
13 expenses to Interim Co-Lead Counsel. Failure to provide such documents and data on a
14 timely basis may result in the Court's failure to consider non-compliant counsel's
15 application for fees and expenses should this litigation be resolved successfully for
16 Plaintiffs.

17 Liaison Counsel as set forth herein shall provide a copy of this Order to all counsel
18 of record in each Reseller Indirect Purchaser Plaintiff action filed or subsequently
19 consolidated or coordinated before this Court.

20 The appointments made in this Order shall continue until further order of the Court.

21 IT IS SO ORDERED.

22 DATED this 27 day of June, 2019.

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24 
25 Honorable Marsha J. Pechman
26 UNITED STATES DISTRICT JUDGE

1 Presented by:

2 McNAUL EBEL NAWROT & HELGREN
3 PLLC

4 By: s/ Gregory J. Hollon
5 Gregory J. Hollon, WSBA No. 26311
6 600 University Street, Suite 2700
7 Seattle, Washington 98101
8 Phone: (206) 467-1816
9 Fax: (206) 624-5128
10 ghollon@mcnaul.com

11 BURNS CHAREST LLP
12 Christopher J. Cormier, *Pro Hac Vice*
13 5290 Denver Tech Center Pkwy., Suite 150
14 Greenwood Village, Colorado 80111
15 Phone: (720) 630-2092
16 ccormier@burnscharest.com

17 BURNS CHAREST LLP
18 Warren T. Burns, *Pro Hac Vice*
19 Will Thompson, *Pro Hac Vice*
20 Spencer Cox, *Pro Hac Vice*
21 900 Jackson Street, Suite 500
22 Dallas, Texas 75201
23 Phone: (469) 904-4550
24 wburns@burnscharest.com
25 wthompson@burnscharest.com
26 scox@burnscharest.com

*Attorneys for Plaintiff Fraser Construction
Company, Inc. and the Proposed Reseller
Indirect Purchaser Plaintiff Classes*

BURNS CHAREST LLP
Lydia Wright, *Pro Hac Vice*
65 Canal Street, Suite 1170
New Orleans, Louisiana 70130
Phone: (504) 799-2845
lwright@burnscharest.com

HANDLEY FARAH ANDERSON
George Farah, *Pro Hac Vice*
81 Prospect Street
Brooklyn, New York 11201
Phone: (212) 477-8090
gfarah@hfajustice.com

STOLL BERNE
Keith Dubanevich, *Pro Hac Vice*
Joshua L. Ross, WSBA No. 39879
209 SW Oak Street, Suite 500
Portland, Oregon 97204
Phone: (503) 227-1600
kdubanevich@stollberne.com
jross@stollberne.com